

**TOWN OF ELSMERE
PLANNING COMMISSION
MEETING MINUTES
August 6, 2013
6:30 P.M.**

PLEDGE OF ALLEGIANCE:

CALL TO ORDER:

ROLL CALL:

Chairman Lindell – Present
Commissioner Hurst – Present
Commissioner Anderson – Present
Commissioner Swain – Absent
Commissioner Skipski – Present
Commissioner Favreau – Present
Commissioner Backer – Present

APPROVAL OF MINUTES:

Approval of the Minutes from the July 2, 2013 Planning Commission Meeting

ACTION: Commissioner Backer made a motion to approve the Minutes from the July 23, 2013 Planning Commission Meeting with the amendment of Commissioner Hurst seconding the adjournment of the meeting. The motion was seconded by Commissioner Favreau.

VOTE: All in favor with 1 Absent Motion carried

NEW BUSINESS:

Review Petition 13-06 Tax Parcel # 1900-900-012

Laszlo Bruck introduced himself as the owner of the proposed business. He stated he was proposing to operate an auto repair business out of one bay at the property, and would be doing things such as tire, brake, and oil changes.

Chairman Lindell asked if it was to be a “one man operation”.

Mr. Bruck stated it would be just him.

Chairman Lindell stated that, being in the 100-year Flood Plain, Mr. Bruck would have to make sure he had no items or materials that could float away in a possible flood situation. He also said that any vehicles being serviced at the property would have to be operable for the same reasoning. He then asked Mr. Bruck if he planned to store any vehicles or fuel at the property.

Mr. Bruck said no.

Chairman Lindell then asked, in accordance with Chapter 225-21, if Mr. Bruck was using the lot for any “junk cars” or dismantling of vehicles and selling them for scrap.

Mr. Bruck said he would not.

Commissioner Backer asked if he anticipated keeping any customers’ vehicles overnight.

Mr. Bruck said it was possible, but they would be serviced and gone the next day.

Commissioner Backer then asked if there was going to be vehicles all lined up around the building and under the bridge.

Mr. Bruck said no, stating there may be a couple vehicles parked in the front of the building and one in the bay, but that would be all.

Commissioner Anderson asked what the business did along side of Mr. Bruck’s proposed business.

Mr. Bruck stated they did auto-repair.

Code Officer, Brian Swift, stated that the Code Office’s only concern was that, being in the flood-plain, the vehicles needed to be able to be moved, either inside or out of the flood zone, in the event of a flood.

ACTION: Commissioner Skipski made a motion to recommend approval of Petition 13-06 to the Board of Adjustment. The motion was seconded by Commissioner Hurst.

VOTE: All in favor with 1 Absent Motion carried

Review Petition 13-07 Tax Parcel # 1900-400-029

Pamela Davis introduced herself as the proposed business's owner. She stated she's a licensed clinical social worker, as well as, an internationally certified addiction counselor, and has been in the practice for over 20 some odd years. She said that about 23% of her clients are residents of the Town. She stated she's aware of the concerns some residents of the Town may have in regard to bringing an outpatient counseling center into the Town, but assured everyone she's there not to bring any problems into the Town, instead she's trying to alleviate any problems that already exist. She stated she would be servicing adults, children, families, and couples, as well as, substance abusers whom are already engaged within the treatment process and are referred by doctors, hospitals, and other outpatient and inpatient agencies. She went on to say they would also service mental health patients that have "mild" issues. She stated such patients would have had something happen to them in order to cause the issue and the issues are temporary for the most part. Ms. Davis said the scheduling would be by appointment only, and the hours of operation are from 9am-8pm Monday through Thursday, 9am-5pm on Friday, and 10am-4pm on Saturday. She then stated the patients with mental health or addiction issues would be seen only until 4pm. She said the staff would consist of herself, one full-time person, one part-time person, and two secretaries to cover the shifts. She went on to say smoking would be prohibited on the property, as well as loitering or congregating after appointments, due to the confidentiality of the visits.

Chairman Lindell asked what the name of the business would be.

Ms. Davis said it would be "Pamela Davis Counseling Services".

Chairman Lindell asked how many appointments would be made at one time.

Ms. Davis said it was possible to have 3 appointments at one time if all 3 of the counselors were there at the same time. She then stated it was doubtful that would happen.

Commissioner Backer asked if they would be servicing clients that needed medication.

Ms. Davis said she would not see clients that need severe medication, and only deal with mental health clients that developed illnesses from situations or events. She also stated there would be no dispensing of any medications.

Chairman Lindell asked if they would ever have a doctor come in to service clients.

Ms. Davis said no. She stated her staff was all Therapists and Receptionists.

Code Officer, Brian Swift, stated they had no objections to the petition seeing as it's an approved use as stated in Chapter 225-19(A)(2)(n). He went on to say that the property had gotten a variance making the required parking spots needed a total of 6.

1st District Councilman, John Jaremchuck, asked if Ms. Davis' treatments were in conjunction with the 12-step program.

Ms. Davis said they are.

Councilman Jaremchuck then asked if she planned on having any 12-step meetings at the property.

Ms. Davis said absolutely not.

5th District Councilwoman, Joann Personti, asked if Ms. Davis was planning on conducting any other "group sessions" at the property.

Ms. Davis said no.

Councilwoman Personti asked if her clients were required to sign treatment contracts, detailing what's expected of them as clients.

Ms. Davis said yes, they are.

Councilwoman Personti then asked if Ms. Davis or any members of her staff were under contract to provide counseling services to clients of NET, PACE, or Brandywine Counseling.

Ms. Davis said no.

A letter from Jennifer Holstein, a resident at 5 Poplar Ave, was introduced as Exhibit 13-07P.

Councilwoman Personti read the letter which was in opposition of the petition. She then stated she had a phone message left with her from Susan Lodge of 7 Poplar Ave. which said Ms. Lodge was opposed for the same reasons Ms. Holstein stated in her letter. She went on to say that she once worked for a Suboxone outpatient program for 7 years and feels that people shouldn't fear the people that are in treatment, but fear the ones that aren't. She also said she understands the concerns the residents have as far as who will be coming in and out.

Councilman Jaremchuck stated the people that are going to be coming into these counseling sessions are going to be clean and sober and the Commission should take note of that.

Amy Lane of 2 Poplar Ave. said she feels bad for Mr. Behrens due to the fact he's having a very difficult time getting someone to lease the property, but also feels the same as Ms. Holstein about the petition. She went on to say she admired Ms. Davis for the line of work she's in, but would not like the business in close proximity to her and her 3-year old child. She went on to state concerns she has about the parking area the lot has.

Ms. Davis said she understands Ms. Lane's concerns, but in every neighborhood there's issues of substance abuse that need to be addressed. She then stated her concern would be is there something nearby that can address that issue.

Pam Vassalotti of 3 Poplar Ave. said she has concerns of the type of people that would be coming to the business. She stated she agrees with Ms. Lane regarding the parking.

Mayor, Steven Burg, stated that the lot was granted a variance for parking back in 1993, and therefore the parking is not an arguable issue. He reiterated Councilman Jaremchuck's statement that the people attending these counseling sessions are going to be clean and sober. He went on to say he feels the business is something they should look into due to the fact that 23% of the clients come from the Town itself.

Ms. Lane said she disagrees with those who feel that all the clients will show up to the sessions clean and sober. She stated she's known people to go to counseling and AA meetings drunk.

Amy Favreau of 1301 Sycamore Ave. asked Code if the Code allows the use of the Counseling Office in the building in question.

Code Officer Swift stated yes, it does fall in the allowable uses.

Commissioner Backer asked if Ms. Davis counseled any child abusers, molesters, or rapists.

Ms. Davis answered no.

ACTION: Commissioner Skipski made a motion to approve Petition 13-07. The motion was seconded by Commissioner Favreau.

VOTE: 4 in favor 2 opposed with 1 absent Motion carried

OLD BUSINESS:

Review of the Comprehensive Plan

A brief discussion was held regarding where the Town is at with the Comprehensive Plan.

ITEMS SUBMITTED BY CHAIRMAN AND BOARD MEMBERS:

None

PUBLIC COMMENT:

None

ADJOURNMENT:

ACTION: A motion was made by Commissioner Anderson to adjourn. Commissioner Backer seconded the motion.

VOTE: All in favor with 1 absent Motion Carried

At this time the meeting was adjourned.

These minutes summarize the agenda items and other issues discussed at the August 6, 2013 Planning Commission Meeting. Votes are recorded accurately. The audio tape(s) of this meeting will be available at Town Hall for a period of two years from the date these minutes are approved. The audio tape(s) may be reviewed at Town Hall by appointment and in accordance with the Freedom of Information Act.

CHARLES LINDELL, CHAIRMAN

LEON BACKER, SECRETARY